

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

FILED  
DEC 04 2009

*[Signature]*  
CLERK

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RODOLFO ERNESTO  
RODRIGUEZ-MAGALLON,

Defendant.

CR 09-40093

ORDER

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Pending before the Court is the Defendant's Petition to Plead Guilty and Statement of Factual Basis. A hearing to take the plea was held before the Magistrate Judge on October 13, 2009, and Judge Simko issued a Report and Recommendation accepting the plea, and recommending to this Court that the Defendant be adjudged guilty as charged in the Indictment with Illegal Reentry after Deportation in violation of 8 U.S.C. §§ 1326(a) and (b). After a careful review of the file, and the time for objections having expired,

IT IS ORDERED:

1. That the Magistrate Judge's Report and Recommendation is ADOPTED by the Court, and the Defendant Rudolfo Ernesto Rodriguez-Magallon is adjudged guilty.

Dated this 3<sup>rd</sup> day of December, 2009.

BY THE COURT:

*[Signature: Lawrence L. Piersol]*

Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY *[Signature: Jackie M. Newsham]*  
DEPUTY